

REMARKS

After entry of this response, Claims 1-12 remain pending in the present application. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

I. Rejection Under 35 USC 112

Claims 11-12 are rejected under 35 USC 112, second paragraph. The Examiner states that in Claim 11 the term a sensor is inferentially included. Additionally, Claim 11 was rejected for reciting “the insulating ring” which the Examiner states lacks insufficient antecedent basis. Applicant has amended the claim to clarify that the second membrane is adapted to be coupled with a sensor as well as to address the other deficiency.

Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 USC 112, second paragraph.

II. Rejections Under 35 USC 102/103

Claims 1 and 3-10 are rejected under 35 USC 102(b) as being anticipated by Cook et al. (US 4,543,954, hereinafter “Cook”). Claim 2 stands rejected under 35 USC 103(a) as being unpatentable over Cook. Applicant respectfully traverses.

As the Examiner is well aware, in order for a reference to anticipate a claim, the reference must teach each and every element of the claim. For example, the Cook reference fails to teach, suggest, or imply an implantable device including a feedthrough assembly as stated in amended Claim 1. The Cook reference teaches that the sensing means of thermistor 11 is housed in plastic tubing portion 62 of the catheter assembly 60. The reference fails for this reason alone.

Moreover, the Cook reference fails to teach a temperature sensor disposed within the pin as stated, for example, in amended Claim 1. In paragraph 7 of the office action, the Examiner asserts that Cook discloses “a temperature sensor 11 disposed within a pin 69, 70.” As shown in FIG. 6

(below), the Examiner's characterization of the reference is clearly contrary to its explicit teaching.

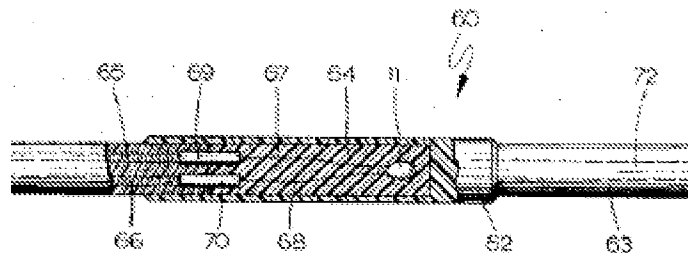


FIG. 6

As FIG. 6 and the corresponding description of the figure teaches, the thermistor 11 is encased within a covering 64, and not within the tubing 70—which the Examiner equates to the pin of the present application—as asserted by the Examiner. The pin in amended Claim 1 of the present application hermetically isolates the disposed sensor from the medium being sensed, thereby facilitating temperature sensing accuracy. Moreover, the Cook reference simply discloses that the coil wires 65, 66 are soldered to the thermistor wires 67, 68 within the stainless steel tubing sections 69, 70. See col. 10, lines 25-29. The disposition of wires 67, 68 within the tubing sections 69, 70 cannot fairly nor accurately be argued to teach placing the thermistor 11 within the tubing sections 69, 70.

Accordingly, independent Claims 1 and 9 and dependent Claims 2-8, and 10 are not anticipated by or unpatentable over the Cook reference and the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) should be withdrawn.

II. Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

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